

# Meeting Summary

## Ballast Water 2023 Rulemaking

Rule advisory committee meeting  
Aug. 24, 2023, virtual meeting (MS Teams)



### List of attendees

#### List of RAC member attendees:

Name	Affiliation
Kate Mickelson	Columbia River Steamship Operators' Association
Brien Flanagan*	Columbia River Steamship Operators' Association
Carl Bertapelle	Portland Merchants Exchange
Ross McDonald	Sause Bros.
Blake Hamalainen	Port of Portland
Dick Vander Schaaf	The Nature Conservancy
Sarah Kidd***	Lower Columbia Estuary Partnership
Catherine Corbett**	Lower Columbia Estuary Partnership
Catherine de Rivera	Portland State University
James Michelli***	U.S Coast Guard
Art Leskowich	U.S. Army Corps. of Engineers
Blaine Parker	Columbia River Inter-Tribal Fish Commission
Torey Wakeland***	Confederated Tribes of Grand Ronde

\* Brien Flanagan was designated as an alternate representative for CRSOA.

\*\* Catherine Corbett was designated as an alternate representative for LCEP.

\*\*\* Sarah Kidd, James Michelli, and Torey Wakeland did not attend.

#### Other attendees:

Name	Role
Mark Landauer	Lobbyist; CRSOA and Oregon Public Ports Association
Thomas Cuomo	Lobbyist; Board of Coos Bay

#### List of DEQ team attendees:

Name	Role
Josh Emerson	Ballast Water Program Coordinator
Wes Risher	Emergency Response Manager
Trina Mayberry	Meeting Facilitator

### Agenda

Time	Topic
2 p.m.	Welcome, introductions, agenda review and meeting logistics
2:05 p.m.	RAC charter rules
2:10 p.m.	Changes in the proposed rulemaking
2:30 p.m.	Discussion

2:45 p.m. Fiscal Impact Statement  
2:50 a.m. Discussion  
2:55 p.m. Rulemaking schedule revisited  
3 p.m. Adjourn

## Meeting Summary

DEQ staff used a PowerPoint slide presentation to convey information and guide discussion with RAC members during the meeting. Most of the information presented in the slides is not repeated in this summary. Rather, the focus of this summary is on capturing the key points of discussion associated with the materials in the presentation and other topics. The slides will be posted as a .PDF file on the Ballast Water 2023 Rulemaking webpage as a companion to this summary of comments and discussion by the Rule Advisory Committee members.

The virtual meeting room was opened at 2:00 p.m. Participants were notified that the meeting would be recorded for note taking purposes. The recording will not be posted on DEQ's website, but the recording will be made available to anyone requesting it. The recording was started and Josh Emerson began a round of introductions of all participants.

Josh provided an overview of the meeting agenda, as well as the expectations for the RAC in this meeting. Josh also explained the timeline for rulemaking after this meeting, including an explanation of the public comment period, the future public hearing, and November EQC meeting and decision on the proposed rule. It was further noted that comments from both the RAC meeting and the public comment period would be used to update the draft rulemaking prior to EQC decision, if necessary. Lastly, Josh explained that the website for this rulemaking, which had been shared with all RAC members, contains all materials for today's meeting, and that a summary of this meeting would be added soon, along with the slides used today.

After explaining the five individual changes that make up this rulemaking, the floor was opened to RAC members to raise questions or comments regarding any of the five proposed changes. Brien Flanagan stated his desire for consistency, and that inconsistency is an ever-present concern of the maritime industry. After revisiting the timelines that VIDA imposed on EPA and USCG to develop new rules governing vessel discharges, Brien noted that these changes sound good as long as they ultimately align with the EPA and USCG rules.

Blaine Parker concurred with the desire for consistency on the part of the maritime industry, and added that from his tribal perspective, maintaining consistency in the current regulatory model would be maintaining exchange plus treatment. Blaine therefore supported maintaining industry certainty and maintaining the current level of environmental protection provided by removing the sunset date as contained in the proposed rule amendments. Blaine further concurred with DEQ's recommended corrections to some mistakes in the current rule, the smaller parts of this rulemaking.

Catherine de Rivera affirmed both points made by Blaine.

Ross McDonald inquired about whether extending DEQ's current sunset date would result in reconvening this group again in the future, to either remove or extend the sunset date a further time. Josh replied that Ross' understanding of that option is likely correct, and that is why DEQ chose to remove the sunset date entirely, especially because VIDA has incorporated Oregon's exchange + treatment rule essentially word for word. Ross agreed that it's impossible to know what USCG rules will be until they actually arrive, and agreed that removing the sunset date in this case seemed to be the most reasonable way forward.

Josh then reviewed the Fiscal Impact Statement associated with the rulemaking. DEQ's finding that this rulemaking has no expected impacts on small businesses were received well, with no comments agreeing or disagreeing. No potential impacts were named, nor were any potentially impacted small businesses. Next, the Racial Equity and Environmental Justice sections of the FIS were summarized, and time was made available for discussion of those topics. Blaine Parker stated that the proposed rules he's heard support First Foods in the sense that not having an end date ensures continued protection of those foods from unintentional introductions of aquatic invasive species. Blaine mentioned deleterious and harmful impacts on salmon as one specific example, and further gave his support to the proposed amendment of removing the sunset date on DEQ's current rule. There were no further comments on these sections of the FIS.

Josh revisited the timeline of further actions in this rulemaking effort, then reminded members that he will be summarizing comments from this meeting and reaching out to commentors to confirm that their thoughts have been represented accurately. Members were thanked for their participation, and Josh reiterated that he could receive further comment via email or as a part of the upcoming public comment period.

DEQ adjourned the RAC meeting at 3:07 p.m.

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